

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DANNY MCDOLE,

Plaintiff,

v.

Case Number 07-13697-BC  
Honorable Thomas L. Ludington

CITY OF SAGINAW,

Defendant.

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**ORDER TERMINATING MOTION FOR RECONSIDERATION, CANCELING  
HEARING, AND SCHEDULING NEW HEARING**

Commencing on February 17, 2009, the Court held a jury trial on Plaintiff's race discrimination claims against Defendant City of Saginaw, brought pursuant to Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. § 2000e et seq., and the Michigan Elliott-Larsen Civil Rights Act ("ELCRA"), Mich. Comp. Laws § 37.2101 et seq. On March 3, 2009, a jury returned a verdict in favor of Plaintiff, concluding that Plaintiff was entitled to \$950,000 in economic damages and \$50,000 in non-economic damages. On June 11, 2009, the Court denied Plaintiff's motion for attorney fees. *See* [Dkt. # 81]. Now before the Court is Plaintiff's motion for reconsideration [Dkt. # 82] of the Court's order denying his motion for attorney fees.

Plaintiff's motion does not appear to be a motion for reconsideration because he does not purport to identify "a palpable defect by which the court and the parties have been misled." E.D. Mich. LR 7.1(g)(3). Plaintiff does not advance a rationale for the Court to reconsider its prior ruling. Rather, Plaintiff seeks "clarification" of the Court's prior order. Based on Plaintiff's request, the Court will "clarify" that it determined that the contingency fee agreement between Plaintiff and his counsel did not provide a justification for a particular amount of attorney fees to be awarded, and

that Plaintiff had not advanced information sufficient for the Court to calculate an award. In light of the above clarification, Plaintiff's motion will be terminated and no longer heard as scheduled on January 26, 2010. Notably, however, the Court will schedule Plaintiff's now pending "motion for entry of judgment and/or for hearing to settle dispute regarding proposed judgment" [Dkt. # 94] to be heard.

Accordingly, it is **ORDERED** that Plaintiff's motion for reconsideration [Dkt. # 82] is **TERMINATED** and the **HEARING** scheduled for January 26, 2010, is **CANCELED**.

It is further **ORDERED** that Plaintiff's "motion for entry of judgment and/or for hearing to settle dispute regarding proposed judgment" [Dkt. # 94] is **SCHEDULED** for **HEARING** on **February 24, 2010, at 3:30 p.m.**

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: December 11, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 11, 2009.

s/Tracy A. Jacobs  
TRACY A. JACOBS